		25166-3
		Quesnel Registry
	In the Supreme Court of British Columbia	
(BEFC	ORE THE HONOURABLE MR. JUSTICE BUTLER	AND JURY)
		Quesnel, B.C. October 26, 2015
		October 20, 2015
REGINA		
v.		
ROY ARTHUR TOPHAM		
	PROCEEDINGS AT TRIAL	
	(Excerpt - Opening Remarks by Court and	
	Crown and Testimony of Terry Wilson)	
	(DAY 1)	
	СОРҮ	
G		***
Crown Counsel:		J. Johnston
Defence Counsel:		B. Johnson

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RULINGS **NIL**

Quesnel, B.C. October 26, 2015

(EXCERPT FROM PROCEEDINGS AT 2:05:25)

THE CLERK: So, I'm calling the matter of 25166-3, Roy Arthur Topham. MS. JOHNSTON: Thank you, My Lord, Jennifer Johnston for Provincial Crown.

MR. JOHNSON: Barclay Johnson for Mr. Topham, who's present.

THE COURT: Good. There's nothing we need to discuss before we bring in the jury?

MS. JOHNSTON: I don't believe so, My Lord.

THE COURT: Good.

MS. JOHNSTON: I had spoken briefly with my friend about the exhibits. I'm going to request that we simply reserve numbers 1 through 4 because I have four binders and it would be very convenient if Binder 1 and Exhibit 1 were the same.

THE COURT: Okay.

MS. JOHNSTON: Now - THE COURT: It makes it easier.

MS. JOHNSTON: It does make it easier. Now, for - for Exhibit 5, what I have, is I have a binder and what I do is I hand out inserts for the binder, so we could - we could do it one of two ways. We could call that collectively Exhibit 5 and then have, for example, 5(1) and the title of it, or we could mark every document individually as exhibits and --

THE COURT: I'd -

MS. JOHNSTON: -- they're all in the same binder.

THE COURT: I'd prefer that, that -

MS. JOHNSTON: Thank you. That's what we'll do.

THE COURT: - that we mark each one of them separately as they are introduced.

MS. JOHNSTON: Thank you.

THE COURT: All right. We'll bring in the jury.

MR. JOHNSON: My Lord, if it does help, we've - we'll admit identification.

(JURY IN)

OPENING REMARKS TO JURY BY COURT:

THE COURT: Now, ladies and gentlemen of the jury, I'm pleased to tell you we're ready to get started and I am going to start by spending a few minutes to explain some basic principles that will be important for your consideration in this case. I will also explain to you what I expect will happen in the course of the trial

The usual daily schedule is that the court sits from ten to 12:30 and from two o'clock to four o'clock. During the trial you may leave for lunch at the noon break and go home at the end of each day. However, once all of the evidence is heard and I finish giving you instructions at the end of the trial, you will be sent to the jury room to reach a verdict. At that stage you'll be sequestered, and what that means is that you'll be kept together as a jury and you will not be able to contact your friends and your family until you've arrived at a verdict.

Now, I want to make some general comments on the judge and jury system. It's one of the oldest and most important of our legal traditions. It's a team system where you are the judges of the facts and I am the judge of the law. Although I will be reviewing the evidence at the end of the trial for you, your view of the evidence must prevail. You are the exclusive judges of the evidence. By the same token, what I tell you about the law is my view of the law and it must prevail. I am the exclusive judge of the law. It would be wrong for you to decide this case on what you think the law is or what you think it should be if that conflicts with what I tell you about the law.

Now, there are two other principles which are fundamental to your role as jurors. They are the requirement for proof beyond a reasonable doubt and the presumption of innocence. The requirement for proof beyond a reasonable doubt means just what it says. No person accused of an offence can be found guilty unless the Crown proves each and every part or element of that offence beyond a reasonable doubt. Similarly, our system of law requires that an accused person is presumed to be or considered to be innocent. Mr. Topham has no obligation to prove that he is not guilty or to explain the evidence offered to you by the Crown. The law presumes him to be innocent or not guilty unless or until you decide otherwise.

What does this mean to you as jurors? Well, first it means you must not form your opinions too soon. The law requires you to decide whether Mr. Topham is guilty or not guilty based on a consideration of all of the evidence. Do not discuss any conclusions about the case amongst yourselves until you retire to the jury room at the end of the trial. It is important not to form your opinion before you've heard all of the evidence.

The principles of proof beyond a reasonable doubt and the presumption of innocence are inextricably linked to ensure that no innocent person is convicted. Mr. Topham enters these proceedings presumed to be innocent. That presumption of innocence remains throughout the case until such time as the Crown has, on the evidence put before you, satisfied you beyond a reasonable doubt that he is guilty.

Now, what does the expression, "beyond a reasonable doubt" mean? The term has been used for a very long time and is part of our history and traditions of justice. It is so ingrained in our criminal law that some think it needs no explanation, yet something must be said regarding its meaning. A reasonable doubt is not an imaginary doubt or frivolous doubt. It can't be based on sympathy or prejudice. Rather, it is based on reason and common sense. It is logically derived from the evidence or from the absence of evidence. Even if you believe Mr. Topham is probably guilty or likely guilty, that is not sufficient. In those circumstances you must give the benefit of the doubt to the accused and acquit because the Crown has failed to satisfy you of the guilt of Mr. Topham beyond a reasonable doubt. The standard of proof beyond a reasonable doubt is closer to absolute certainty than to proof on a balance of probabilities which is what we apply in a civil case. On the other hand, you must remember that it is virtually impossible to prove anything to an absolute certainty and the Crown is not required to do so. Such a standard of proof is impossibly high. In short, if based on all of the evidence, you are sure that Mr. Topham committed the offence with which he is charged, you should convict, since this demonstrates that you are satisfied of his guilt beyond a reasonable doubt. Now, I will repeat this for you at the end of the trial, however, please keep these principles in mind as you hear the evidence.

Now I'll tell you what you can expect as the trial unfolds. First of all, when I finish these remarks I'll call upon Ms. Johnston, the lawyer representing the Crown, to make her opening statement to you. She will tell you what she expects the evidence to show and what she expects the various Crown witnesses to say. The purpose of the opening statement is to make it easier for you to follow the evidence as the witnesses testify. It is important that you understand that the opening statement of the Crown is not evidence because it's not given under oath from the witness box.

Once Ms. Johnston finishes her opening statement, she will call the first Crown witness and will begin direct examination of that witness. Direct examination is a series of questions that gives the witness an opportunity to tell you what he or she knows about the case. Direct examination may be relatively short consisting of very few questions or it can be quite long with one witness testifying for hours or days.

After Ms. Johnston asks all her questions of the first witness, then defence counsel, Mr. Johnson, has the opportunity to conduct cross-examination of the witness. Like direct examination, cross-examination is a series of questions. However, the purpose of cross-examination is to test the evidence given by the witness and to bring out information that may assist Mr. Topham. Counsel may ask questions intended to test the truthfulness of a witness or to test the ability of the witness to perceive or accurately remember things, or he may ask no questions as there is no obligation to question a witness.

After the completion of any cross-examination by Mr. Johnson, the witness may be re-examined by Crown counsel on any new matters brought up during the cross-examination that require explanation. Re-examination is usually a very short process.

This procedure will continue for each witness with Crown counsel conducting the direct examination and defence counsel having the opportunity to conduct cross-examination until you've heard all the Crown witnesses. Once the Crown finishes presenting its evidence Mr. Johnson may present evidence on behalf of his client, Mr. Topham. You'll recall what I said about the presumption of innocence. That means that Mr. Topham has obligation to present evidence to prove he is not guilty. It is up to the Crown to prove guilt beyond a reasonable doubt.

Now, if Mr. Topham intends to present evidence, Mr. Johnson will begin with his opening statement. And remember, once again, that what counsel says is not evidence. The defence witnesses will then be called and we'll follow the same procedure that we followed for the Crown, except Mr. Johnson as defence counsel will conduct the direct examination and Ms. Johnston, for the Crown, will have the opportunity to conduct cross-examination.

Now, while you're listening to the evidence, I urge you to pay close attention to what each witness says and how he or she behaves while giving evidence. You must eventually decide which witnesses to believe. You need not accept or reject all of a witness' testimony. You may choose to believe part of a witness' testimony and reject the rest. It is up to you.

The following guidelines may help you to decide which evidence to believe and which to reject. One, consider the witness' attitude and behaviour in the witness box, but remember that some people may be nervous about testifying in court. Two, consider the ability and opportunity of the witness to observe the things referred to in his or her testimony. Three, assess the ability of the witness to express himself or herself to understand the questions and to give intelligent responsive answers. Four, ask yourself whether the witness has any reason to be biased regarding the outcome of the case. Five, remember that you do not have to accept a witness' testimony simply because no other witness has contradicted him or her. Now, those are only guidelines. You should use your common sense when deciding which evidence to believe and which to reject.

Now, from time to time during the trial it may be necessary for you to retire to the jury room so that counsel may argue points of law or points of evidence. In my experience, this happens quite frequently in jury cases. Please do not speculate on the specific reasons that you're being excluded. This happens in order to ensure that nothing improper is placed before you. In my experience, this is the part of the trial that jurors find most frustrating and I simply ask that you bear with us and understand that it is a necessary part of the proceeding.

You should be aware that the evidence may include more than just testimony or oral evidence of witnesses. Documents are - are often part of the evidence in a trial. In this case, as it involves statements on a website, I expect that a large volume of documents will be presented as evidence. If any documents or - or objects become part of the evidence in the trial, you will have them with you in the jury room when you retire to consider your verdict.

Now I want to say something to you about notetaking. During the course of the trial I'll be taking my own notes of the evidence. It's very unlikely there'll be a typed transcript of the proceedings by the time the trial ends. Some of you may also wish to take notes during the trial. Our Sheriff will provide you with pen and paper if you wish to do so. There's nothing wrong in doing so if you find it is a good way to remember the evidence and my instructions. However, I must remind you that your primary duty is to observe the witnesses as they testify so that you'll be able to understand the evidence and decide on the credibility or trustworthiness of the witnesses. The recording machine - you see we have microphones all over the courtroom - is there to keep a record of what each witness says. There is a procedure for this record to be played back for you at the end of the trial, but there's no record of the behaviour and attitude of witnesses as they testify, so your memory will be the only guide to the manner in which each witness gives his or her evidence. Therefore, you must be very careful and not get distracted from your primary duty if you decide to take notes. Excuse me.

Now, there are three other general matters I want to discuss with you. The first concerns confidentiality. People will naturally be interested in the trial and in your experiences as a juror. They may try to discuss the trial with you. Don't do that. During the course of the trial, you're not allowed to discuss the trial with anyone who is not on the jury, nor should you have any written or spoken communication outside this courtroom with Mr. Topham, with any witness, with counsel at the trial. It is permissible of course to exchange greetings if you pass someone on the street during lunch hour, but that's it. Do not discuss the outcome of the trial amongst yourselves until you go to the jury room to reach a verdict. If someone you do not know tries to discuss the trial with you in an improper manner before you reach your verdict, please report it to the Sheriff and I'll deal with it.

Once the trial is over and you've reached a verdict, you may discuss what occurred in the courtroom with anyone you choose. However, you must never talk about what happened in the jury room because it's actually a criminal offence to do so. This is the way by which the law protects the confidentiality of your deliberations.

The second matter I want to discuss is publicity. It concerns things you might hear outside this courtroom. Under our system of law, an accused person can only be found guilty of an offence on the basis of evidence which is actually presented in this courtroom. Things you see or hear in the media are not evidence and you must ignore them. The same thing applies to any rumours that might circulate about this case. There's a good reason for the rule. You see, neither the prosecution, nor Mr. Topham, has an opportunity to reply to rumours or accusations from the media or from anywhere else, nor can they cross-examination the source of such rumours or accusations. Therefore, you should pay no attention to any such remarks or accusations if you hear or read about them.

The third thing I want to talk to you about is private investigation as a juror. Since you must decide this case solely on the evidence you hear in this courtroom, do not go about attempting to gather evidence on your own. Do not look up anything relating to this case on the internet. It is the responsibility of counsel to present all the relevant and admissible evidence. This is an instruction which is given to jurors in every case, however, I want to emphasize it here because this is a case about statements communicated on the internet. It is extremely important that you do not search the internet yourselves to gather evidence about the issues raised in this case. If one or more of you reaches a verdict on the basis of evidence that was not given to the other jurors in this courtroom, you would not be obeying your oath as a juror. In other words, do not try to play the role of private investigator. Do not attempt to gather evidence on your own. You must decide the case only on the evidence presented in this courtroom.

Now, after all the evidence is presented counsel will then make their final addresses to you. They will review the evidence and explain why they think you should find Mr. Topham guilty or not guilty. I remind you that what counsel say is not evidence. Counsel may also touch upon the law and if what they say about the law is different from what I tell you, you must accept my version.

Once counsel finish their closing remarks you will hear my final instructions. I will tell you about the law as it applies to this case. I'll also provide you with a summary of some of the more important evidence you heard. I review the evidence only to help you remember and understand the significance of the evidence, but remember it is your memory of the evidence that counts and not my memory or the memory of counsel. As I said, you are the exclusive judges of the evidence and the facts that arise from the evidence.

When I finish my instructions at the end of the trial you will retire to the jury room in order to consider your verdict. Once you reach a verdict and report it to me in open court, that will be the end of your duties in this trial.

Now, one job you must do along the way is choose a foreperson. The foreperson will act as your representative. He or she will speak on your behalf during the course of the trial, either to the Sheriff or to me, should you require assistance. It is entirely up to you when you choose a foreperson. You may do so now or you may wait some time to do so. My suggestion is that you get to know one anther a little bit better before you decide who you would like to have act as your foreperson. Once you've done so, just give the foreperson's number to the Sheriff when you have selected him or her and the Sheriff will let us know.

Now, before calling on Crown counsel, I will again read to you the offences with which the Crown has charged Mr. Topham. The indictment is the document used to bring the charge. It is not evidence in this case, but it sets out the basis for the offence which is charged and as you've heard, there are two counts and they cover different time periods:

Count one, Roy Arthur Topham, between the 20th day of April, 2011, and the 4th day of May, 2012, inclusive, at or near Quesnel, in the Province of British Columbia, did by communicating statements, other than in private conversation, wilfully promote hatred against an identifiable group, people of

the Jewish religion or ethnic origin, contrary to Section 319(2) of the Criminal Code.

Count two, Roy Arthur Topham, between the 29th day of January, 2013, and the 11th day of December, 2013, inclusive, at or near Quesnel, in the Province of British Columbia, did by communicating statements, other than in private conversation, wilfully promote hatred against an identifiable group, people of the Jewish religion or ethnic origin, contrary to Section 319(2) of the Criminal Code.

So those are the two counts in the indictment. Finally, I want to stress as I said before the importance of keeping an open mind. Your duty of fairness and impartiality is one of the best traditions of our legal system. The law expects no more from you and will accept no less.

Now, with that, I will turn to Ms. Johnston to make her opening address to you.

THE CLERK: Do you want [indiscernible] jury in charge?

THE COURT: Yes, we'll do that now.

THE CLERK: Members of the jury, the accused stands charged by the name of Roy Arthur Topham, and again these are his charges:

... between the 20th day of April, 2011, and the 4th day of May, 2012, inclusive, at or near Quesnel, in the Province of British Columbia, did by communicating statements, other than in private conversation, wilfully promote hatred against an identifiable group, people of the Jewish religion or ethnic origin, contrary to Section 319(2) of the Criminal Code.

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And upon these charges he has been arraigned, and upon his arraignment has pled not guilty, and for his trial has put himself upon his country, which country you are. Your charge, therefore, is to inquire whether he is guilty of the offence whereof he stands charged or not guilty, and to hearken to the evidence.

THE COURT: Thank you. Ms. Johnston?

MS. JOHNSTON: Thank you very much, My Lord.

OPENING FOR CROWN BY MS. JOHNSTON:

MS. JOHNSTON: Ladies and gentlemen of the jury, my name is Jennifer Johnston and it is my privilege to present the case against Roy Arthur Topham. Roy Arthur Topham is charged with the promotion of hatred other than in private communication with an identifiable group, people of the Jewish religion and ethnic origin pursuant to Section -

THE COURT: Ms. Johnston, sorry, we're not picking you up on the recording, so we need to have a microphone.

MS. JOHNSTON: We need to fix that. Does - is it necessary for me to read the first paragraph again?

THE COURT: Why - why don't you - you do that, just so that we've got it recorded?

MS. JOHNSTON: Roy Arthur Topham is charged with promoting hatred other than in private communication with an identifiable group, people of the Jewish religion and ethnic origin pursuant to s. 319(2) of the *Criminal Code of Canada*.

The hate crimes legislation under 319(2) is reserved for expressions of unusual and extreme nature. Manifestations of the emotions described by the words, "detestation" and "vilification", that are likely to expose the targeted person or group to hatred by others.

The test is whether a reasonable person aware of the context and circumstances would view the expression as likely to expose a person or persons to detestation and vilification on the basis of a prohibited ground of discrimination.

The investigation into Arthur Topham started on April 28th, 2011 when Detective-Constable Terry Wilson received an email from Richard Warman directing Detective-Constable Wilson to a website, www.radicalpress.com. Radical Press was described on the site as an alternative news source who's editor and publisher was Arthur Topham. Detective-Constable Wilson was a member of the British Columbia Hate Crimes Team, a team that included peace officers for the investigation into potential hate crimes in our Province. Detective-Constable Wilson went on the internet, accessed radicalpress.com, without any difficulty, and found postings that he considered to promote hatred against the Jewish people.

Detective-Constable Wilson will be the Crown's first witness in this case. He will prevent - present to you materials taken from Mr. Topham's website at various times between May 30th, 2011 and December 11th, 2013. He will also discuss the standard that he, as an investigator, uses when deciding whether to investigate hate crimes.

You will also hear from Mr. Rudner. Mr. Rudner is an expert called by the Crown to explain some of the major events in Jewish history. He will also talk to you about the Jewish religion and define for you people of Jewish ethic origin. He will explain the origin of some of the books found and linked on Mr. Topham's website and talk about Anti-Semitism and the meaning of the promotion of hate. Mr. Rudner will explain Zionism, which was a political movement which started in the late part of the 19th century. At the time, the modern State of Israel did not exist. The area where Israel now sits was inhabited by the Palestinians and was known as Palestine. Zionism was a movement to re-establish a Jewish homeland in what is now Israel. The modern State of Israel was created by UN resolution and Israel started as an independent Jewish state in May of 1948.

In late May and June of 2011, Terry Wilson created a web capture of some of the books that he found linked on radicalpress.com. These books were *Germany Must Perish!*, *Israel Must Perish!*, *The Protocols of the Learned Elders of Zion*, *The Biological Jew*, and *The Jewish Religion: Its Influence Today*.

In May of 2012, the B.C. Hate Crimes Team got a warrant for the search of Mr. Topham's home in Cottonwood, east of Quesnel, British Columbia. Corporal Michael Burns took photographs of Arthur Topham's Radical Press office and took photographs of hard copies of some of the books which are found on Mr. Topham's website. As for the books, you will be shown in this trial the book *Germany Must Perish!*, which was written and self-published by an individual, Theodore Kaufman, who called for the destruction of Germany and the enforced sterilization of its people in response to what Kaufman saw as Germany's war soul. *Israel Must Perish!*, is Arthur Topham's rewrite of *Germany Must Perish!* In Arthur Topham's introduction he describes *Germany Must Perish!*, as written by a Jewish writer by the name of Theodore N. Kaufman. Mr. Topham goes on to explain that in his rewrite he has changed Nazi to Jew and German and Nazi to Jew and Zionist from Kaufman's original. Mr. Topham's introduction also tells us the striking thing about the vileness of the text is how today, "it seems to roll off the mind's tongue as if it were as truthful and factual as the rising sun:

As such I firmly believe that all of what the Zionist Jews write about others is actually but a reflection of their own inner, perverse, dislocated self. By

projecting outward on to others their innate paranoid and deep-seated hatred for the rest of the world they're able to meet the requirements of the Israeli state's motto which reads, "By Way of Deception Thou Shalt Cause War" and feel a sense of superiority and self-righteousness in doing so.

The Protocols of the Learned Elders of Zion purport themselves to be the minutes of an actual meeting of Jewish leaders in the late 19th century, a meeting where those leaders set out their plan for Jewish global domination, by controlling mass media, by controlling the world's economy, and by subverting the morals of Gentiles. What the protocols actually are, as the Crown witness Len Rudner will tell you, is no such thing. No meeting ever existed. No such minutes were ever taken. The Protocols are a work of fiction, written to blame Jews for a variety of ills, designed to describe a Jewish conspiracy which does not exist and therefore the book is Anti-Semitic in its effects.

The Biological Jew, from Mr. Topham's website, by Eustace Mullins, describes Jews as parasites and discusses in detail the risks that Jewish people pose for society. Mullins tells us:

It follows that the parasite which has established itself upon the Gentile host, does not care how much it injures the host. Its only goal is to lead a parasitic life at the expense of the host and its natural objective are usually the reproductive organs of the Gentile host, like a parasitic vine which is slowly strangling a healthy tree. The Jew has always functioned best as a panderer, a pornographer, a master of prostitution, an apostle of sexual perversion, an enemy of the prevailing sexual standards and prohibitions of the Gentile community.

In *The Jewish Religion: Its Influence Today*, by Elizabeth Dilling, describes what the author purports to be the Jewish religious practices and Jewish influence on world politics. In her book she tells us that:

No one with a grain of common decency could have anything but the utmost denunciation for murdering children in orgies of blood and obscenity. But the Jewish Talmud permits this, today, in the book of Sanhedrin, its supreme repository of the criminal law, justified as giving ones seed to Molech.

In addition to these books, in May of 2013 Terry Wilson viewed the book, *The Controversy of Zion* on Mr. Topham's website. A copy of this will be given to you in the course of the trial. In Mr. Topham's September 27th, 2013 article, *Adolf and Icke: The Long Road Back to Historical Reality*, Mr. Topham tells us what reading the *The Controversy of Zion* meant to him:

I was also assisted by Providence in this process of re-awakening to the actualities of Germany and its history through the medium of the "Letters to the Editor" section that I an in my monthly tabloid. It was there that the first promptings of what would eventually become my long and at times arduous mental journey back to historical reality began when one of my subscribers to the newspaper from out in Ontario started sending letters informing me that some of my articles, which at the time still reflected my ingrained ignorance of Adolf Hitler and the National Socialist party, were not necessarily factual. I can only thank God that they brought the error of my ways to my attention for ever since that time, like a recovering alcoholic, I've been forced to recognize daily my addiction to the deception that I had been unconsciously brainwashed into believing. For some time it seemed that my recovery was traveling at a snail's pace but when another associate and friend of mine sent me Douglas Reed's classic 1950s work on the origins and nature of political Zionism, The Controversy of Zion, my fate was finally sealed and I experienced an epiphany of political realization that has since steadfastly remained and continues to wax in fullness with each passing day.

It was now clearly obvious to me that the history of the 20th century had been tampered with to such a degree that none of its political and/or historical orthodoxies could be taken for granted any longer included the greatest, most massively pervasive deception of all, that of the true nature of National Socialist Germany and its illustrious and loved leader, Adolf Hitler.

The book, *The Controversy of Zion*, describes in detail what is purported to be the Jewish plan for global domination, its purported successes in infiltrating and dominating foreign governments and its responsibility for World Wars I and II.

As well as the books linked to radical press.com, I will present postings from Mr. Topham's website which includes writings by Mr. Topham himself. In one such posting, April 30th, 2013, Mr. Topham writes [as read in]:

The issue involving six million Jews proposed to have been gassed and roasted, Holocausted, in German concentration camps during WWII continues to be hotly debated into the alternative media, 68 years from the war's end. In the case of the Jewish media, a.k.a. the MSM, their ongoing insistence on repeatedly reinforcing their one self-chosen figure of six million well after being proven to be historically inaccurate, has created greater and greater skepticism on the part of truth seekers everywhere who, now thanks to the internet and the freeing up of the facts and the hidden information surrounding this controversy, are realizing that the six million lives of the Jews are nothing but Zionist Jew propaganda designed to buttress their failed attempt at mesmerizing and brainwashing the world into believing the greatest lie ever told throughout recorded history.

These and other postings will be discussed in this trial including Arthur Topham's definition of Judaism from his posting, *Epistle to Paul*, in Arthurs' Court from his website:

Judaism:- a doctrine first conceived by the Levitical priesthood that held their god – the 'go'' of Moses – Jehovah, was the only god and that he had chosen the tribe of Judah to rule over all other nations of the world. The manner in which this was to be accomplished is contained within the Judaic Old Testament of the Christian Bible in the first actual book of the Pentateuch, Deuteronomy. Tersely put the Judaic 'god' demands absolute authority over all his subjects and for those nations outside the fold their fate is to be met with genocide and destruction and abject slavery for whatever remnant might remain after the final onslaught.

The Crown will present postings, have Mr. Rudner talk about its effect and that will be the evidence for the Crown.

Thank you, My Lord. Before we commence with the calling of evidence when Your Lordship says, I would like to explain to the court how I plan to enter the exhibits in this matter -

THE COURT: All right.

MS. JOHNSTON: - and give some explanation as how I see the evidence unfolding.

THE COURT: All right.

MS. JOHNSTON: My Lord, we are presenting postings from Mr. Topham's website which includes a number of books which I've referred to in my opening. What we have done, My Lord, is we have various binders which contain this work. What I'm going to request is that we reserve Exhibits 1

through 4 for these binders. It would certainly be convenient if Binder 1 became Exhibit 1 at trial.

THE COURT: Certainly.

MS. JOHNSTON: My Lord, the binders are quite large and the room in the jury box is quite limited, so what I propose is that we hand out the binders, one at a time. All of the binders have a paper label, so if jurors wish to write on the label they can for future identification. I also, if it pleases the court, have stickies because that might be a convenient way of marking passages if - if any of the jurors so wish. In addition, My Lord, I have a series of binders which are largely empty. I say largely, because I'm indebted to my friend for having made some admissions in this trial which I will seek to read to the juror - jury prior to calling the first witness.

THE COURT: All right.

MS. JOHNSTON: What I propose, My Lord, and I've already preloaded the admissions as Tab Number 1, as we go through this trial I would anticipate there's going to be additional written submissions. For example, when we get to the Crown's witness Len Rudner, who the Crown hopes to have admitted as an expert, there will be some papers. What I would expect then is that I'll hand out selections that can then be put into the binder. So at the end of the day, My Lord, there's simply one binder with all paper in it.

THE COURT: And we'll mark the exhibits -

MS. JOHNSTON: And we'll mark - THE COURT: - as we go along.

MS. JOHNSTON: Thank you, My Lord. Yes. So, My Lord, I would start with handing out binders and reading the admissions into the record.

THE COURT: All right. And we'll mark the admissions then as Exhibit 5, is that the -

MS. JOHNSTON: Please. Thank you.

THE COURT: All right, we'll do that.

MS. JOHNSTON: And then we'll leave 1 through 4 for the Crown's binders.

MR. JOHNSON: That's satisfactory, My Lord.

THE COURT: Thank you. And - and I'll tell the jury wherever there's an admission, that means that the - the - Mr. Topham through his counsel has admitted a fact that the Crown wanted admitted. You must accept that fact as proven, so that's what the admission will set out, is some - some facts that have been proven -

MS. JOHNSTON: Thank you.

THE COURT: - and agreed. So shall we start with -

MS. JOHNSTON: We shall. Now, My Lord, for any exhibits that I plan to mark in this trial, I will also have an additional copy for Your Lordship's personal use, and so I can hand out this binder first of all to Your Lordship. There is preloaded the admissions which have been previously filed, copies for my friends, and I have - or my friend, and I have a copy for the jurors as well. My Lord, I'll give them to - and I would anticipate that the boxes will prove useful, My Lord, simply because there are so many things to store and the cart will be available throughout the entire trial.

THE COURT: All right.

MS. JOHNSTON: What I would suggest, My Lord, is that I read the admissions. That might be a convenient time for the afternoon break and then we'll resume with the Crown's first witness, Terry Wilson.

THE COURT: All right. And do all members of the jury have a binder?

All right

MS. JOHNSTON: My Lord, in the Supreme Court of British Columbia, Her Majesty the Queen against Arthur Roy - Roy Arthur Topham, admissions [as read in]:

Pursuant to s. 655 of the *Criminal Code*, the accused herein, Roy Arthur Topham by his counsel, Barclay Johnson, hereby admit the following facts alleged for the purpose of dispensing with the proof thereof:

Roy Arthur Topham, charged in the Indictment 25166-2, Arthur Topham is the publisher and editor of the [of the] website radicalpress.com. In addition the website, radicalpress.com, is registered to Arthur Topham.

Arthur Topham's website, radicalpress.com, is acceptable on the worldwide web. It is readily available to anyone with an internet connection who may wish to visit the site.

Radicalpress.com is self-described as an alternative news website.

Arthur Topham is the author of some of the postings on radicalpress.com and identifies himself as the author by using his own name.

The radical press.com contains the work of others. Arthur Topham may or may not agree with the content of what is said by other authors who are published by radical press.com.

As it holds itself out as an alternative news website, the radicalpress.com contains links to other documents and websites not authored by Arthur Topham. Arthur Topham may or may not agree with what is said in those other documents or websites.

It is the intention of Arthur Topham that radical press.com provides information and opinions that is not readily available in the mainstream media.

Arthur Topham identifies himself as the author of postings and editor's notes that appear on radicalpress.com. Nothing in these admissions prevents either the Crown or the defence from proving that Arthur Topham either agrees with or does not agree with the content of any posting to radicalpress.com or the content of documents or other websites linked to radicalpress.com.

Further, nothing in these admissions prevents either the Crown or the defence from calling additional evidence to clarify what Arthur Topham meant in any document or posting of which he is the author.

Thank you, My Lord. And if the copy, that was read by the Crown, could be marked as Exhibit Number 5 in this case? THE COURT: All right. That'll be Exhibit 5.

MS. JOHNSTON: Thank you.

EXHIBIT 5: Admissions of Counsel

THE COURT: And with that, we'll take the afternoon recess and so the jury will be excused to the jury room for the afternoon recess.

(JURY OUT)

THE COURT: We'll take the afternoon recess.

(PROCEEDINGS ADJOURNED FOR AFTERNOON RECESS)

(PROCEEDINGS RECONVENED)

THE COURT: All right. Before we call the jury in, I I gather there is some difficulty in Mr. Topham hearing?

THE ACCUSED: I think we got it straightened out now, Your Lordship.

THE COURT: All right.

THE ACCUSED: Yes, and -

THE COURT: Well, just let me know if you miss something and we can have it repeated.

THE ACCUSED: Yes. Yes, My Lord.

THE COURT: All right.

THE ACCUSED: They're bringing down some - some headphones from Prince George. They'll be here in the morning and - and that - that will help because you're speaking away from me -

THE COURT: Yes.

THE ACCUSED: - and I'm sitting way over there.

THE COURT: But for the rest of the day, just let me know if there's an issue.

THE ACCUSED: Yes, okay. Thank you.

MR. JOHNSON: My Lord, I wonder if we could just let the jury know why he's in the box as opposed to where he was earlier.

THE COURT: I'll - I'll -

MR. JOHNSON: He's just hard of hearing. It's not because of a progression on the case - Crown's case.

THE COURT: Okay.

THE ACCUSED: I tried to run away and they just put me in the box.

THE COURT: All right. We'll bring in the jury.

(JURY IN)

THE COURT: All right. Now we're going to start with the first witness. Before we do that, I want to tell you that Mr. Topham has moved because he was having trouble hearing and I think we may have a better solution for that tomorrow, but that's why he's moved over. I wanted to let you know that.

Ms. Johnston?

MS. JOHNSTON: Thank you, My Lord. If we could please call Detective-Constable Terry Wilson to the stand, please?

TERRY WILSON

a witness called for the Crown, sworn.

THE CLERK: Please state your full name for the court, sir, and spell your last name?

A Terry David Wilson, W-i-l-s-o-n.

THE CLERK: And Terry is?

A T-e-r-r-y.

THE CLERK: Thank you.

EXAMINATION IN CHIEF BY MS. JOHNSTON:

- Q Mr. Wilson, I understand that you're a retired police officer who was formerly situated in Surrey, B.C., is that correct?
- A That is; I was a police officer from 1989 to 2003 with the City of London in Ontario and then from 2003 to 2015 for the New Westminster Police Service. In 2009, November of 2009, I was seconded to the B.C. Hate Crime Team which is part of E Division Major Crime Unit, which is their offices are located in Surrey, British Columbia.
- Q Now, you remained as a peace officer when you went to the Hate Crimes Team, is that correct?
- A I was, yes.
- Q And what is the mandate of the B.C. Hate Crimes Team?
- A The mandate is the effect of identification, investigation and prosecutions of crimes motivated by hate in the Province of British Columbia.
- Q I see. Now, Detective-Constable Wilson, before we get to the particular case that we're dealing with today, I understand that one of your duties is to investigate potential offences under s.319 of the $Criminal\ Code$, is that correct?
- A Yes, it is.
- Q And I want to talk about 319. That is the section that makes it illegal to do what?
- A It is in layman's term, is the hate propaganda section of the *Criminal Code of Canada*. The *Criminal Code of Canada* breaks up the hate propaganda section into 318, 319(1) and (2), 320 and 320.1. Essentially there's four sections, within the *Criminal Code*, that deal with the legislation of propaganda that's motivated by hatred.
- Q Now, sir, when you look at when you say hatred, as an investigator what what standard are you applying before you look into a case for potential -potential recommendation of charges to the Crown?

A Yeah, so one of the - the - one of the things we look at when we deal with hate propaganda is when you look at the legislation, you look at a definition of what actually hatred means for the criminal - actually the court. And the standard that - the standard definition that we've used in the 20 years that I was investigating hate crimes is the one found in R. v. Keegstra, which is a Supreme Court of Canada decision, and in that decision - again, not to spout - not to spout case law, but Keegstra - R. v. Keegstra defines hatred as a - it's a - it's an emotion, but it's - the propaganda is to motivate the reader to detest or vilify an identifiable group under the Criminal Code. And at this - the time of this propaganda, the time of this section of this case, identifiable group was seen as race, colour, religion, ethnic origin or sexual orientation; five groups.

Q Now, Constable, I understand that you were contacted in April of 2011 concerning Mr. Topham, is that correct?

A I was. I received an email complaint from a gentleman in Ontario by the name of Richard Warman.

Q And Richard Warman drew what to your attention?

A Drew attention to the website and to a particular article on the website dated just a few days before his complaint came in - in April, drew my attention to that article and advised me that he felt that it contravened s. 319(2) of the *Criminal Code*.

Q Having been given this information, sir, what if anything did you do?

A I went to the website. And one of the things that we want to make sure in the B.C. Hate Crime Team is that we have jurisdiction as a police investigative team to investigate that website. One of the ways we determine if we have jurisdiction is if the - a section of that website is produced in some part in British Columbia. That would give us jurisdiction to investigate it because part of it appeared in British Columbia. So what I did as a result of that is ran a - it's called a WHOIS search, so who - WHOIS search is essentially - or is not essentially. It is a search program on the internet that you can put in the name of the website and it will tell you the person that has paid for that name, so they bought a name, whatever sort of server they bought it from. They've bought a name and they become an administrative person. That WHOIS search came back and it identified Mr. Topham, at 4633 Barkerville Highway, British Columbia, as the administrator of that website, radicalpress.com.

Q Now, I understand, sir, from further investigation you discovered this site on Barkerville Highway is at or near Quesnel, British Columbia, is that correct?

A It is.

O Con - or sorry, sir, did you actually look at the site itself, radicalpress.com?

A I did. I opened up the website and saw that the website is - is more best described as a blog instead of a website. The way the blog is set up is that entries are placed on the website, sometimes daily, sometimes multiple times a day, sometimes once a week. The way the blog is set up is that the latest entry is placed first on the web page, so when you run down the - when you scroll down the blog, the blog goes in descending order, the most recent article being first and every other article in chronological order after that all the way through. The website is also set up in a way that on the right-hand side of the website there's also a series of hyperlinks is what we call - or areas of the website that you could click on which would send you automatically to other parts of the website. So that's - when you first look at the website, that - what you see - large banner page at the top that identifies it as radicalpress.com and it's an ongoing blog. And this blog is huge, like huge. It goes on for years and years and years. You get to the bottom of the page, you click "next", and it just keeps going on and on and on and on. Again, off the top of my head I can't tell you how many years it goes for, but it goes for a very long time. I believe from another inquiry I said it was a huge website, which - that's how I identified it, as - as a huge website.

Q Now, Constable, the original complaint from Richard Warman, that was April 28th, 2011, was it not?

A It was, ma'am.

Q All right. Now, you've described going onto the website and you have described posting sometimes daily, sometimes weekly. Constable, how is it that you know that? I'm - I'm assuming you've been on the website more than once.

A I've been on the website since April 28, 2011. During the course of this investigation, multiple times a day. And even since that time, since our investigation was completed and charges were laid, I continued to monitor that website and - and as a retired police officer I still go on the website today, so it is still an active ongoing blog.

Q Constable, when you gave us evidence about the entries, are - can you tell me whether or not you're relating to your personal experience of seeing new entries onto the blog or the site itself?

A Yes. So, my - I would see it daily where there would be articles posted. Now, one thing I want to make clear is that some of these articles were posted and were identified by the writer and some of the - and some of the obscure articles were not identified by writer. Some of them identify themselves as being written by Arthur Topham and other articles were - were written by other people. Now, when I say that, just to sort of give you the idea of the website or the blog, even though the article itself may have said that it was written by another person, it was actually taken - it's kind of hard to describe, but if I can give an example maybe or give a - a hypothetical, but an example. Essentially, the article was taken from some other article and placed on the website. So in some instances the article might say date, let's say, of May 2nd, 2013. The posting date on radicalpress.com may be May 3rd, 2013 where the operator of the website has taken that article from another area of the internet and placed it on his website.

Q So, in other words, cut and paste onto the website?

A Cut and paste on the website, yes.

Q All right.

A But again, some of those articles were also written and identified by the writer, Arthur Topham, at the bottom of his signature.

 $Q\ \ I$ see. And so presumably the posting date and the authorship date would be the same?

A Would be the same in those instances, yes.

Q I see. And when Mr. Topham wrote articles on radicalpress.com, it's my understanding, sir, that he would frequently use his own name to identify the - the articles that he himself wrote?

A He did. He would use his name. He would list his title as editor and publisher of radicalpress.com, and in some instances he would place his picture there as well.

Q I'm just going to pause you here because I know Mr. Topham has had some difficulty hearing and -

THE ACCUSED: Everything's perfect right now.

MS. JOHNSTON: Okay, thank - and you'll tell us if it's not?

THE ACCUSED: Yes.

MS. JOHNSTON: Okay, excellent.

Q Sir, if you could watch for that, if Mr. Topham indicates --

A Absolutely.

Q - to stop, and then we'll go back?

A Absolutely.

Q All right. Now, I understand as well, sir, that not every single article on radicalpress.com concerns subjects relating to Judaism or Jews, is that correct?

A That's right. There are articles posted there - Mr. Topham would post - or articles posted with his - with the name Arthur Topham on the bottom

would be posted like, you know - he had Christmas wishes to people during Christmas time. There were articles on smart meters, British Columbia smart meter controversy. There would be articles on chemtrails. But overall the website, if I was to quantify the amount of non-Anti-Semitic material as opposed to Anti-Semitic material, it was in the range of 90 percent of the material there - 85 to 90 percent of the material there was anti - Anti-Semitic in its rhetoric.

Q Now, Constable, we are - the Crown hopes to call an expert in this case to define Anti-Semitism. The Crown is not seeking to call you - I am not seeking to qualify you as an expert in Anti-Semitism, but at the same time you're the investigator and you have some say about what - what - what cases you look into and ultimately recommend charges?

A Yes

Q So on that basis, sir, not as an expert, but just - just reading the content of the - of the blog itself, when you first looked at it back in April of 2011, you've just told us Anti-Semitic content. What does Anti-Semitic content mean to you?

A Yeah. I think the best way is - is what I looked at - at back in April of 2011, what I did was is look at the material to see if the material, at least initially, contravened s. 319 to the hate propaganda section, the wilful - the hate propaganda section of the *Criminal Code*, and when I looked at it back then I felt that there was enough belief that that was the content of the website that we would initiate an investigation into it. Now, being part of the B.C. Hate Crime Team, there are many instances where we would have websites reported to us that we would initially look at and in the first instance it didn't fall within the parameters of the legislation and so we wouldn't enter into investigations. Other times, there has been investigations like radicalpress.com and Mr. Topham.

Q So, in other words, sir, you're doing an initial look at the website to see if it makes your definition?

A Yeah. In - in the policing world, we would have to triage each investigation to make sure that we're putting the appropriate resources forward to deal with the complaint that we received.

Q And again, sir, His Lordship is the judge of the law in this case, but nevertheless, to give the jury some background as to why you choose this case as opposed to another case, that's a working definition of hatred you were using when deciding to investigate further -

A Yes.

O - into Radical Press?

A Yeah, so we look at the definition under the legislation as what hatred was as - as has - has already defined. We'd also ensure that the group and - and - I'll use the term "target group" of the investigation fell within the identifiable group under 318(4) of the hate propaganda section, fell within a race, colour, religion, ethnic origin or sexual orientation.

Q In other words, the identifiable group that's mentioned in 319, those identifiable groups are - are listed in 318 -

A 318, yes.

Q - which is what you just said?

A Yes. So essentially we - we - we look at the legislation and make sure that when we enter an investigation, at least initially, parts of that legislation - we're complying with that part of the investigation.

Q Thank you. And in this case we've charged ultimately, people of Jewish religion and ethnic origin?

A Yes, ma'am

Q Now again, His Lordship is the judge of the law, but, at least on your understanding of the legislation, are those groups which fit into the definition under 318?

A Yes, ma'am, they are.

Q All right. Now, we actually have printouts from the websites that Mr. Topham - Radical Press, is that correct?

A Yes, you do.

Q And I sent them to you over a month ago so that you could go through it page by page, is that correct?

A Yes, ma'am, and I did.

Q Yes. Now, you have your binder which I'm assuming you've marked up because you've had an opportunity to look at it?

A I have. I've been issued four binders, one through four.

Q Yes. And in addition, we have made copies for the exhibit and for the jury itself and I asked you to please just look through one, make sure that that is in fact what you've already been sent?

A Yes, I looked through E - I select - or randomly select a section of one through four binders that are - are there to ensure that they - they accurately represent the binders that I looked at, that I'm going to testify to, and they do.

Q Thank you. Now, I'm going to assume, Constable, that you prefer to look at the binders that you have because you've marked them, is that correct?

A Yes, ma'am, if that's - if I'm able to do that, to look at the binders that I've already marked out as significant for my testimony.

Q Thank you.

MS. JOHNSTON: My Lord, I'm going to request that Detective-Constable Wilson be allowed to do this. We're looking at quite large binders. It is not an immediate proposition to find the place we're looking for, if that would please the court?

THE COURT: You have no objection to that, do you?

MR. JOHNSON: My Lord, the only matter that I would like to put on the record is that wherever he's able to refer to something from his personal memory without going to a document, I would ask that he try to do that first. If he can't, then he can refresh his memory from what he was reading by looking at the source material. But if he actually states that that's what he's doing, I would appreciate that.

THE COURT: I - I'm not sure that's exactly the kind of issue that --

MR. JOHNSON: No, I -

THE COURT: -- we're dealing with here is a refreshing of memory issue. It's -- it's --

MR. JOHNSON: Well, I know that --

THE COURT: If he can do that, we can - we can do it. It might take a little longer than say, okay -

MR. JOHNSON: Well, I think he was doing okay the way he was testifying and if he needs to refer to a document because it's too voluminous or if he can't be - you know, expected to recite the whole thing, I - I don't have any problem with him referring to a document in those circumstances, but I - THE COURT: All right. Well, with that --

MR. JOHNSON: -- I don't want it -

THE COURT: With that in mind, Ms. Johnston, maybe you can try and lead him through it in a way that -

MR. JOHNSON: Yeah.

THE COURT: - that - that tries to accommodate that.

MR. JOHNSON: I - I think it's just the lead up to that document that I'm concerned with. I don't want the - the - the testimony to be his comments on a bunch of documents. I'd - I'd like him to have a purpose in referring to them. Thank you, My Lord.

MS. JOHNSTON: My Lord, the Crown's purpose in taking Detective-Constable Wilson through the binders is we have four very large binders and it's

not my expectation that everyone in the court shall read them in their entirety. I have - and I'll go through this in - in more detail, what - what has been selected. I'll have Detective-Constable Wilson explain what has been selected and explain how, if at all, he knows that it's an accurate copy from the website. But yes, it is the Crown's intention to take him through the documents, page - specific to certain sites. I consider it an impossibility that he's going to be able to do that from memory. I - I do hear my friend's - I - I know what my friend is saying, that there are obviously areas where he's expected to testify from memory, but I don't know if going through the documents with specific page numbers is - is the sort of thing that the court usually requires of a witness.

MR. JOHNSON: No. THE COURT: And -- and I -MR. JOHNSON: No, I --

THE COURT: I don't think so either, but as long as he can describe what his process was and why he shows or marked or - or noticed particular passages and then you can take him to the passages.

MS. JOHNSTON: Thank you. Thank you. My Lord, there are copies for the jury. I appreciate this is not marked as an exhibit yet. I would suggest that it be convenient to follow along and then I'll ask it be marked as an exhibit once it's been authenticated by the officer, or is it Your Lordship's wish that it be authenticated it first?

THE COURT: Why don't we authenticate it and then we can - can pass them out and get them marked?

MS. JOHNSTON: Thank you. Perhaps Your Lordship would like your -

THE COURT: Certainly.

MS. JOHNSTON: - Your Lordship's copy, however? Thank you.

Q Now, Constable, as we've just described, you're going to be -

MS. JOHNSTON: Permission to approach the witness, please, My Lord?

THE COURT: Certainly.

MS. JOHNSTON:

Q As we've just described, you're going to be going through your previously marked copy, however, I am going to give you a copy of the binder that the Crown has. I'd like you to have a look at it. That's what I intend to mark as an exhibit. We'll mark it initially as exhibit - Exhibit for Identification. And just tell me if that's the binder that you previously - set of binders that you previously reviewed?

A It is, containing -

MS. JOHNSTON: My Lord, if that could be please be marked as --

THE COURT: I don't know if we need to mark it for identification. I - I think if - I mean obviously you've seen these, Mr. Johnson and - and you're aware -

MR. JOHNSON: They can be marked.

THE COURT: -- of how they were [indiscernible]. All right. They can be marked as an exhibit.

MS. JOHNSTON: Thank you, Binder 1. THE COURT: So that'll be Exhibit 1.

EXHIBIT 1: Binder 1 of Crown Documents

MR. JOHNSON: If I might just have one brief word with my friend?

THE COURT: Certainly.

MR. JOHNSON: Thank you, My Lord. MS. JOHNSTON: Sorry, My Lord.

Q Constable, what I'd like to do at this time is take you through the binder and we're not going to discuss the content at this time. We'll discuss the content once the binder has been handed out.

A Yes, ma'am.

Q What I'd like to talk to you first, though, is for you to authenticate the documents as having been on Mr. Topham's website during the applicable periods of time and also for you to give any explanation as to what was left out. As you've discussed, it's a very, very long blog -

A It is.

Q - and we have only selected some documents.

A Yes, ma'am.

Q So we're going to start with - with Binder number 1, which I understand was sent to you initially in early September, is that correct?

A It is.

Q All right. Now, the first - the first document, Tab 1, Binder 1 of the Crown's materials is a document, Germany Must Perish!?

A Yes, ma'am

 $\,Q\,\,$ All right. So in the bottom right-hand corner there is a date, June - 2011-06-13?

A Yes, ma'am.

Q June 13th, 2011?

A 2011; yes, ma'am.

Q All right. So what did you do on June 13th, 2011?

A This is the date that - so to explain the process of extracting evidence from a website, in our practice, because a website is essentially a live being on the internet, it constantly changes, what we do is look at documents that we want to save as evidence and we print them to PDF, so we create the PDF document. So on June the 13th, 2011, I created the PDF document from the website of *Germany Must Perish!*

Q So from the website, you're talking from radicalpress.com?

A From radicalpress.com. So I would save the document in its PDF form electronically and as a result of that electronic document, the binder that I have in front of me was prepared.

Q Now, I understand that Germany Must Perish! was actually a linked document on the radical press.com, is that correct?

A It is. So again, in my explanation of the website, if in - at that time - the website has changed a bit recently, but at that time the website had the books and a series of books listed down the right-hand side, what I called earlier hyperlinks. And one of the hyperlinks was *Germany Must Perish!* So, we would open up that hyperlink, the document would show up in a form - I refer to them sometimes as books. The book would open up, electronic book, and we would save that document in PDF form electronically and that's the date on the bottom that reflects the date that I saved it or copied it at.

Q So, Constable, are you telling us that the *Germany Must Perish!* in Binder 1, Tab 1, is what you got from the hyperlink back on June 13th, 2011, on Mr. Topham's website, radicalpress.com?

- A Yes, ma'am, I am.
- Q And have you had the opportunity to review Tab 1 to see whether or not it truly and accurately reflects what it is that you captured off the website at that date?
- A I have. I've read the I've read it. I've read it in the form of the binder and at the time of the investigation read it in its electronic form and they are true representations of each other.
- Q Thank you. Constable, Tab 2, Binder 1, Israel Must Perish!?
- A Yes, ma'am.
- Q And that has a date in the bottom right-hand corner, 2011-05-30 -
- A Yes, ma'am.
- Q May 30th, 2011?
- A Yes, ma'am. That is again the the same thing, that is the date that I would have copied this electronically from Mr. Topham's website, radicalpress.com.
- Q And have you checked over Tab 2 to make sure it is in fact a true and accurate copy of what was on Mr. Topham's website at the time you took the web capture?
- A It is. It is the the copy in my binder is a true representation of the electronic copy that I saved back in May of 2011.
- Q Constable, was this also a linked document onto Mr. Topham's website?
- A It was. This document was not only found as a link document, but it was also found in the body of his blog. So when you read the blog, you would come across an entry that was May 28, 2011, which is the date in the top left-hand corner of this article. A section of this book, I refer to it as a book, a section of this book was included in the blog. Then underneath that was essentially to read more, another hyperlink that you clicked on and the rest of the book would appear on the screen for you. It was also located as a hyperlink in the list of books down the right-hand side.
- Q Now, Constable, that's going to become a lot more clearer to the jury when we walk them through and see the hyperlink.
- A I don't know if it's clear to me right now, but yes.
- Q But for right now, what we have in the binder at Tab 2, Binder 1, is that is that from the hyperlink or is that from the blog?
- A This one is the one in Tab 2?
- Q Yes?
- A Is actually from the make sure I have the right this is actually from the blog, the the one in Tab 2 is from the blog. The additional book, in its entirety, are in a tab that's also in this binder as well. So I've compared both of those, as well as compared it to the electronic copy that we captured back in May 30th, 2011 and they are a true representation of the entire book, as well as the blog entry.
- Q Thank you. Constable, Tab 3, Binder 1? The date on the bottom right-hand corner, 2011-06-08 -- June 8th, 2011, tell us about the creation of capturing this document, sir?
- A Again, this document was look was listed as one of the independent links down the right-hand side of the blog. You would click on it, the document would open up and on that date, and again it gives the time at 10:42, I copied that document, copied it to PDF. And I've compared this document with the electronic version I copied in May of 2011 and they are true representations of each other.
- Q Thank you. Now, Mr. Detective-Constable Wilson, for your benefit we've taken out 3E. That wasn't part of the original blog. That was my mistake.
- A Okay.
- Q That is not in the exhibit copy, so I'll ask you not to refer to that whatsoever.
- A Yes, ma'am.
- Q That was simply an error on my part -
- A Okay.
- Q and I apologize.
- MS. JOHNSTON: It is in none of the exhibit copies, My Lord.
- Q So just dealing then with the Crown has obviously divided it up into various tabs for ease of reading. The tabs are an addition, but in terms of the document itself, is that truly and accurately what was on Mr. Topham's website on June 8th, 2011?
- A Yes it was
- Q Thank you. You will be surprised to hear we're now at Tab 4, same binder, Binder 1. What can you tell us about that?
- A On that same date, June the 8th, 2011 it's on the bottom. Unfortunately, in my copy it is a bit the date is a bit bottom of it is blacked out, but it is June 8, 2011. The the the article is called *The Biological Jew* and this was on Mr. Topham's radicalpress.com in the the hyperlinks down the side. We again opened that up to a fresh document that revealed this book and I copied this book to PDF on June the 8th, 2011, and it is a true representation. The sorry, the document I have in front of me is a true representation of the electronic document found on Mr. Topham's website.
- Q A true and accurate copy is at Tab 4 from what you saw on June 8th, 2011, on Mr. Topham's website?
- A Yes, ma'am, it is.
- Q And The Biological Jew, by Eustace Mullins, that was a hyperlink, was it not?
- A It was a hyperlink.
- Q Constable, when you open up radicalpress.com, would you see the hyperlinks on the first page?
- A You would. It's actually it's one of so although the blog scrolls down daily, there's a part of the banner I call it the banner page which is essentially the top part of the the website, as well as a column down the right-hand side, that stayed constant. The top part was the title of the website, which is radicalpress.com, and down the right-hand side, was their hyperlinks. Those banners stayed constant no matter how many articles were attached to it and how much it scrolled down. You could see those as soon as you opened it up every time.
- Q It sounds to be like what you're describing is the margin on the right-hand side stays constant and then the scroll is to the left of that -
- A Yes, ma'am.
- Q is that right?
- A Yes, ma'am.
- Q Thank you. Now, Constable, we're now at the final tab in the first binder, Tab 5. And that is *The Jewish Religion: Its Influence Today* by Elizabeth Dilling, June 8, 2011 in the bottom right-hand corner?
- A Yes, ma'am. That is the date that again we created a hyperlink and or not created a hyperlink. We went to the hyperlink, opened it up and copied that part of the website to a PDF. This and this I've reviewed this and compared it to the electronic copy that I saved back in June June the 8th, 2011 and they are true representations of each other.
- Q Now, Constable, I did notice when I was going through this that the chapters are actually in reverse order. The last chapter is first and the first chapter is last?

A Yes. I recall that I - I saw that here and that's the way we would have saved it from the website, so that's how it would have appeared to us on the website at the time.

Q Which is I didn't reorder it, because what you have - what you captured is what was on the website. Now, Constable, the Crown has put in tabs - that, I understand, was not part of the website. The actual tabs are just a Crown addition to make it easier to find things?

A Yes, ma'am. So the - yeah, the - Tabs 5 - 5A through 5T are additions to really help me break up the binder.

Q As are all the tabs additions just to make the material easier to read?

A Yes.

Q That's not part of the original website?

A No, ma'am.

Q Thank you.

MS. JOHNSTON: My Lord, in the Crown's submission, we've gone through Binder 1. I would ask that it's now been authenticated such that the jury could be given copies. I do, however, note the time. This might be a convenient place to break for the day.

THE COURT: I think we'll break for the day and we can distribute those in the - the morning, or do you want to distribute them now?

MS. JOHNSTON: Well, they're in - they're - they're neatly in boxes --

THE COURT: Do we have them? MS. JOHNSTON: -- right now.

THE COURT: Oh, we have them now already --

MS. JOHNSTON: Perhaps we should --

THE COURT: -- so they're -

MS. JOHNSTON: Thank you, My Lord.

THE COURT: So we'll break for the day, so ten o'clock tomorrow morning.

(WITNESS STOOD DOWN)

(JURY OUT)

(PROCEEDINGS ADJOURNED TO OCTOBER 27, 2015, AT 10 A.M., FOR CONTINUATION)

Transcriber: N. Bomback